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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

DAVID GILBERT SAFFRON
a/k/a DAVID GILBERT and
CIRCLE SOCIETY, CORP.,

Defendants.

Case No. 2:19-cv-1697-JAD-DJA

**DECLARATION OF DANIELLE E.
KARST IN SUPPORT OF APPLICATION
FOR ENTRY OF DEFAULT AGAINST
DEFENDANT DAVID GILBERT
SAFFRON A/K/A DAVID GILBERT**

I, Danielle E. Karst, pursuant to 28 U.S.C. § 1746 (2012) hereby declare as follows:

1. I am counsel for Plaintiff, Commodity Futures Trading Commission (“Plaintiff” or “CFTC”) in this action and have personal knowledge of the facts stated herein. I submit this Declaration in support of the CFTC’s Application for Entry of Default against Defendant David Gilbert Saffron a/k/a David Gilbert (“Saffron”).

2. On September 30, 2019, the CFTC filed a Complaint for Injunctive Relief, Restitution, Disgorgement and Civil Monetary Penalties (“Complaint,” ECF No. 1) against Saffron and his business entity, Circle Society (collectively, “Defendants”), for violations of the Commodity Exchange Act, 7 U.S.C. §§ 1-27f (2012), and Commission Regulations promulgated thereunder, 17 C.F.R. pts. 1–190 (2019).

1 3. As detailed in the CFTC's Motion for Alternative Service of Process on Saffron
2 (ECF No. 16), the CFTC was unable to effect personal service upon Saffron despite extensive
3 efforts involving numerous attempts at various addresses in three different states.

4 4. The CFTC filed its Motion for Alternative Service of Process on Saffron on
5 October 22, 2019 (ECF No. 16), along with an amended Proposed Order pursuant to the Court's
6 request at the October 29, 2019 Preliminary Injunction Hearing (ECF No. 17). The Court
7 granted the CFTC's Motion for Alternative Service of Process on Saffron on October 30, 2019.
8 *See* October 30, 2019 Order, ECF No. 19.

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10 5. On October 31, 2019, in accordance with Nev. R. Civ. P. 4.4(c) and the Court's
11 October 30, 2019 Order (ECF No. 19), the CFTC mailed the Summons and Complaint to
12 Defendant Saffron's Last-Known Address via United Parcel Service ("UPS") overnight mail.
13 The UPS package of materials was received and signed for by "WEFLEN." *See* UPS Proof of
14 Delivery, Exhibit 3 to CFTC's Proof of Service by Publication on Saffron, ECF No. 27-3.

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16 6. On November 1, 2019, the CFTC commenced publishing the Notification of the
17 Summons and a statement describing how a copy of the Summons, Complaint, and other filings
18 may be obtained, along with additional information, once a week for four weeks in two
19 publications, the *Las Vegas Review Journal* and the *Los Angeles Daily News*. Both newspapers
20 published the Notification and additional information on November 1, 8, 15, and 22, 2019. *See*
21 Affidavits of Publication with printed copies of publications, Exhibits 1 and 2 to CFTC's Proof
22 of Service by Publication on Saffron, ECF Nos. 27-1, 27-2.

23
24 7. Pursuant to Nev. R. Civ. P. 4.4(c)(4)(C), the CFTC's service by publication on
25 Saffron was complete four weeks from "the date of the first publication." The date of the first
26 publication in both newspapers was November 1, 2019. Therefore, service by publication on
27
28

1 Saffron was complete as of November 29, 2019. *See* CFTC's Proof of Service by Publication on
2 Saffron, ECF No. 27.

3 8. Federal Rule of Civil Procedure 12(a)(1)(A)(i) requires a defendant to answer or
4 move against a complaint within 21 days of service. Fed. R. Civ. P. 12(a)(1)(A)(i).

5 9. As the CFTC's service of process on Saffron was complete on November 29,
6 2019 as described above (*see* ECF No. 27), Saffron's 21-day period to answer or move against
7 the Complaint expired on December 20, 2019. Fed. R. Civ. P. 12(a)(1)(A)(i).

8 10. As of the date of this Declaration, Saffron has not answered or moved against the
9 Complaint.
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11 I declare under penalty of perjury that the foregoing is true and correct.

12 Executed on December 21, 2019.

13 By: /s/ Danielle E. Karst

14 Danielle E. Karst
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